

# USERS GUIDE TO THE GENERAL PLAN AMENDMENT PROCESS

*San Luis Obispo County Department of Planning and Building*

*7/1/05*

## INTRODUCTION

This is your guide to amendments to the county general plan. It is designed to help answer your questions about the process, including:

- U Where do I begin, if I am considering a general plan amendment?
- U What information must I provide to be sure my application is complete?
- U How much will the process cost?
- U After I submit my application, what will happen before my request can be approved or denied?
- U What considerations are reviewed before a decision is made to approve or deny a general plan amendment?
- U How long will the process take?

## CHANGING THE GENERAL PLAN

Before any portion of the general plan can be changed, a thorough review of the requested change must be completed. Amending the general plan is an important decision. The process is governed by state law that requires each amendment request to be evaluated by the Planning Commission and the Board of Supervisors at public hearings before a decision is made. In the coastal zone, amendments must also be approved by the California Coastal Commission.

State law limits the Board of Supervisors' consideration of requested general plan amendments to four times each year. The county schedules consideration of general plan amendment requests three times a year (typically April, August, and December), reserving the option to schedule a fourth hearing around unexpected needs.

Any part of the general plan can be changed through the amendment process, including land use categories or combining designations (our equivalent to zoning) shown on the Official Maps, or any portion of the plan's text, including narrative, policies, programs, or standards. Most amendment applications are requests to change the Land Use Element, but any of the elements of the general plan can be amended.

## WHERE DO I BEGIN?

In an initial meeting with a staff planner, you will be given an overview of the process and a checklist of the information and materials you need to provide to complete your application for a general plan amendment. Call the Planning Department at 781-5600 to make an appointment.

## WHAT INFORMATION MUST I PROVIDE AND HOW MUCH WILL THE PROCESS COST?

An application for general plan amendment must include the following information:

**A. Amendment Application** A standardized application which provides general information about the applicant, the property owner, and the property. On the back of this application is the "Consent of Landowner" form authorizing an agent to act for the landowner.

**B. General Plan Amendment Application.** This form provides specific information about the requested change to the general plan.

**C. Map of property proposed for change.** If your application proposes to change the land use category on a property (to “rezone”), the location of the property or area proposed for change must be provided on a map.

**D. A written statement from the applicant** The statement should clearly explain the request for the change and describe any development that may be proposed following the change. Any conceptual drawings or plans for such proposed development should also be included.

**E. Environmental Description Form** This form provides pertinent information about the physical characteristics of the site. The information will be used to complete the environmental review of the requested change, as required by the California Environmental Quality Act (CEQA).

**F. Filing Fee and Cost Accounting Forms** The base filing fee is what is required by the current county fee ordinance. In the Coastal Zone additional fees need to be added to the base filing fee. If you are requesting a change to or from the Agriculture land use category, there is an additional fee. If the property is within the Airport Review Area Combining Designation, an additional fee is required. Filing fees are a deposit toward the actual cost of processing. Refunds will be provided if the fee exceeds the costs associated with processing your application. Quarterly bills will be sent if processing costs exceed the fee.

## **WHAT HAPPENS NEXT?**

Once your completed application is filed, planning staff will review the information and prepare a formal request that the proposed change be included on a Board of Supervisors meeting agenda to determine whether to “authorize the application for processing.”

**A. Authorization to Process** Approximately 10 to 12 weeks after the amendment application is submitted, the proposal is taken before the Board of Supervisors, who will either direct the department to continue to process the application, or decide not to consider it. If the Board terminates the process, any unused portion of the initial fee deposit will be refunded. If the Board chooses to process the request, the remaining steps outlined in this guide will then be followed. However, it should be clearly understood that Board of Supervisors authorization for processing is no guarantee that the request will later be approved. The proposed amendment must still undergo the environmental review process, detailed staff analysis, and public hearings. If problems are identified changes may be required before it can be approved or it could result in the request being denied.

**B. Environmental Review** As required by the California Environmental Quality Act (CEQA), the application will be subject to an environmental review to determine if significant environmental impacts could result from the proposed change. The review will result in either a Negative Declaration (ND), or a determination that an Environmental Impact Report (EIR) is required. An official statement asserting the county’s position that the proposed change would produce no significant environmental impacts is called an N.D. An EIR thoroughly analyzes potential environmental effects of the amendment and recommends specific mitigation measures designed to minimize or otherwise address each effect. When an EIR is recommended by staff, an applicant may request that the Board of Supervisors decide whether or not to require an EIR.

**C. Planning Commission Public Hearing** The Planning Commission holds an advertised public hearing on the proposed amendment. They will carefully review the staff report, any relevant information you provide, and hear comments from the public, before formulating a recommendation to the Board of Supervisors. It is extremely important that you attend this hearing and be prepared to answer any questions the Commission may have about the proposal.

**D. Board of Supervisors Public Hearing** The Board of Supervisors holds another advertised public hearing on the requested amendment during which it will consider the Planning Commission recommendation, any additional information you provide and comments from the public. The Board's decision is final, unless the property proposed for a general plan amendment is located within the Coastal Zone, a specific area designated by the 1976 California Coastal Act. Projects within this zone are subject to a public hearing before the California Coastal Commission, which can grant final approval or deny the request. The hearing before the Coastal Commission is scheduled by its staff and will likely be held in a location outside of the county. The Board of Supervisors must then acknowledge the action taken by the Coastal Commission. If the Board disagrees with that action, it may re-submit the amendment proposal. The amendment cannot become final until it is approved by both the county and the Coastal Commission.

#### **WHAT IS CONSIDERED IN APPROVING OR DENYING AN AMENDMENT REQUEST?**

When proposing a general plan amendment, applicants should keep in mind that the proposal will be carefully reviewed to determine how it relates to the specific site, and affects its neighborhood and the community (which may include the entire county). To put it another way, the decision-makers want to be sure that any development allowed as a result of a general plan amendment will "fit in" with the surrounding area and support adopted community goals. The following concerns are likely to be considered before any decision is made on a general plan amendment.

**A. Relationship to Community Planning Goals Regarding Orderly Growth** The potential effects of the proposed change on how and where a community will grow will be carefully reviewed. A proposed change that furthers community planning goals is more likely to be approved than one that hinders them. The two most significant community planning goals are: (1) to fully develop vacant or under-used land within existing community boundaries before expanding them for new development; and (2) to avoid "leapfrog" growth, which is an inefficient and expensive form of development. It is more efficient to develop land that is within, or adjacent to, an area where improved roads and water and sewer lines already exist, and where police and fire protection is already provided.

**B. Relationship to Surrounding Land Uses** If the proposed change would result in different uses being allowed, it is important that those new uses be consistent or compatible with the uses on neighboring properties. For example, if the proposed change would allow an auto dismantler in a residential neighborhood, the request is unlikely to be supported.

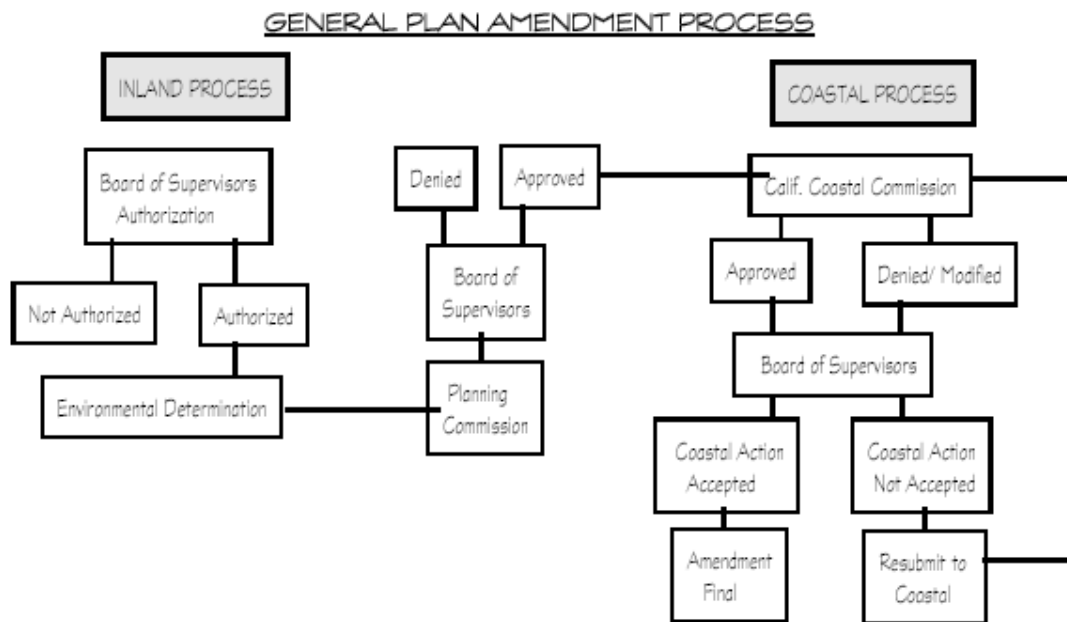
**C. Relative Size of the Change** An amendment that would result in "spot zoning," where a relatively small area located within a much larger one would be designated for a different land use, may be difficult to justify when such a change grants a special privilege to only one or a few property owner(s).

**D. Land Capability and Service Availability** Will the land proposed for change be able to support the types of development that could be allowed by the amendment, if approved? Several things are considered as that question is explored, including the area's topography, available services, existing streets, and the presence of sensitive environmental resources.

**E. Relationship to Other General Plan Elements** Most general plan amendments are to land use categories contained in the county Land Use Element (LUE), but they must remain consistent with the other elements that comprise the general plan. Because of this consistency requirement, other elements of the general plan may also require amendment.

### HOW LONG WILL THE PROCESS TAKE?

The amendment process typically takes 12 to 18 months from the time the request is submitted to a final action. If an EIR is required, or the property is within the Coastal Zone requiring approval by the California Coastal Commission, that process will likely take 18 months to three years.



*This guide is designed to provide general information only. It is not a county ordinance or policy and has no legal effect. The general plan and other chapters of the San Luis Obispo County Code are the official regulations of the county. Those documents, rather than this guide, are the only legal basis for assessing how county regulations affect property development.*